

Dear Kevin,

Joanne F. Magallon  
May 13<sup>th</sup>, 2008

Here are some of the Mitigating Factors that I told you that I would send you, find some way to please implement them prior to our hearing.

① While at the halfway I had an ~~excellent~~ <sup>Exceptional</sup> Record; ② I attended all My classes, including Mental Health, NARS, and "Criminal Thinking"; ③ had only one disciplinary for possession of a cell phone which I was allowed to have but was supposed to turn it into the office and forget.

④ On Wednesday June 20<sup>th</sup> 2007 at approximately 8:30 a.m., I met with my Case Manager "Robin" in the lobby of the halfway house; & at which time I signed all of my Release Papers, including ones for successfully completing the program, and the ~~all~~ classes at the halfway house, the Release Papers stated that I would be Released on Friday June 22<sup>nd</sup> 2007 at 8<sup>00</sup> a.m., Robin stated that if I left before that I would have to return after work to pick up my discharge papers. I usually leave for work at 5:45 a.m. or earlier.

{ I was scheduled to Return at 10<sup>00</sup> p.m. }

{ I had to sign out at 6<sup>00</sup> a.m. Friday June 22<sup>nd</sup> }

But before this, ~~on~~ on Thursday, June 21<sup>st</sup> I signed out at 6:00 a.m., was scheduled to Return at 10<sup>00</sup> p.m., but I had Mechanical ⇒



trouble with my vehicle, and I had to wait for a friend of mine to bring tools. I called the halfway house, spoke with "Art" and told him that I would be late he said he would clear it with the supervisor. I called him back 1/2 an hour later, and he told me to just get back when I could. I did arrive before 1<sup>00</sup> AM, and shift even gave me a breathalyzer test which I passed. I woke up at 5:30 AM, left at 6:00 AM Friday Morning, Friday Afternoon my Godmother called me and said "Robin" said I wasn't supposed to leave. when in fact (A) Friday was my Release date and (B) I was going to return after work to get all my stuff, and my final papers.

So I called Robin; she told me that (A) she got confirmation from B.O.P. that my Release date was the following week not on the 22<sup>nd</sup>, and (B) that 3<sup>rd</sup> shift had said I never returned the night before which I did, and (C) the Police are looking for me as well as my P.O..

My step daughter calls me a couple hours later and says that Michelle talked to her lawyer Richard, and Richard told her that I had a warrant for my arrest for leaving the halfway house and assault, at which time I had no idea what the assault was about, so I called Warren County and they said it was because I was supposed to have run



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into a car, and threatened people etc, ~~on~~ Thursday, which was impossible, as I later turned out was. Daniel Paternale had wrecked his girlfriend's car, (her name is Jamie Wallace) They tried to get me to ~~say~~ claim that ~~we~~ <sup>we</sup> had a car accident, and I was at fault, so My Insurance would cover the cost of fixing her car, and Claim was to be that Jamie was driving the <sup>(HER)</sup> car, which all later turned out to be false allegations and were dismissed, We even have a recording of a telephone conversation between me and Jamie as to her falsifying the Police Report etc.

- ③ Also while at the halfway house I maintained fulltime Employment, I paid My housing fees there as well as Monthly Restitution payments. Money I had left over I bought very little for myself but made sure that Michelle and the kids had what they needed.
- ④ Even after I absconded I maintained full-time employment all the way up to the date of My arrest, I continued to be a provider to My Children and Step-Children, I never used drugs or consumed alcohol, I maintained Order in My life as best as I possibly could, and contrary to the Gonyea and the P.C. etc I led a law abiding life, I know that sounds like a Redundant statement, but



the fact of the Matter is there was no P.D.C. because the store Refused the Check, the account was in Good Standing; There was Really no forgery, what Made it a forgery was me putting a different D.C.# on it, which I did, because Kroger Wouldn't have accepted it with My D.C.# because I already had one Check pending with them that week, I Know what I did was clever; but I honestly never Would've believed in a Thousand years that what I did was illegal; The Check Would've Cleared, but then Relied the info was wrong. Also, had I not already been in Jail for Charges I was falsely accused of, I could've settled the issue with the Check before it ever became a criminal issue, therefore it never Would've become a Crime, or a violation if I had been able to personally deal with the issue.

⑤ I paid my bills on time, including My Automobile Insurance, I had 2 vehicles that I bought, one of which I had My sister give to Michelle so she would have a vehicle for work.

⑥ I still had supervision; My supervision actually helped Me, If I got sent back to the Jail, I don't have to do shit, I don't have to take classes, I don't have to pay Restitution, I don't have to do any-



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thing but Eat, Sleep, Read, and Watch T.V.,  
Whereas while I'm on Supervision I have to  
Pay restitution, attend Meetings, Maintain  
full time employment; Keep My bills Paid.

My Point is I need to be on Supervision  
for awhile, and I need to get My shit in Order.  
I had My life in Order finally, I loved Working,  
I loved being a father, I loved have the respon-  
sibilities; then it was all swept from Under  
Me in one foul swoop for False allegations,  
now I just want to get My life back on  
track again.

I did Love Kevin, Better than I had before,  
and Mom so due to the fact that I did have  
Supervision; I needed the supervision.

Plus Reconnecting with all of My family,  
being a father...

So please incorporate all of this, and  
find some way to file Prior to the hearing.

Thank  
you truly,  
Jovan